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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,532	03/22/2004	Timothy Boesch	46901P048	2490
8791	7590	06/29/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			ALAVI, ALI	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AR

Office Action Summary

Application No.

10/806,532

Applicant(s)

BOESCH ET AL.

Examiner

Ali Alavi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

Claim 7 is objected to because of the following informalities: Claim 7, line 4, recites "said light sources". There is insufficient antecedent basis for this limitation in claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Tipton (US Pat. No 5,575,553) or Schletterer et al (US Pat. No 6,352,352) or Chen (US Pat. No 5,931,558).

Regarding claim 1, Tipton discloses a drinking vessel (beer mug) comprising: a body having a top (12fig. 1), a base (22, fig. 1) and a peripheral wall (10, fig. 1) upstanding from the base to the top and defining an interior for containing liquid (fig. 2), the base having a compartment (23, fig. 1, col. 4, line 28) that is sealed from the interior, at least one light diffuser (transparent wall 10 is a light conductive thus is light diffuser) having upper and lower ends and extending along the wall from the base to

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substantially the top; and a light source (28, fig. 1) for illuminating said at least one light diffuser, which is located in the base compartment in close proximity to the lower end of the diffuser such that light from the light source can enter the diffuser at its lower end and travel upwards thereby illuminating the entire diffuser.

Regarding claim 1, Schletterer et al disclose a drinking vessel (drinking glass, abstract) comprising: a body having a top, a base and a peripheral wall (1, fig. 1) upstanding from the base to the top and defining an interior for containing liquid, the base having a compartment (fig. 1) that is sealed from the interior; at least one light diffuser (1, fig. 1 is a transparent material which diffuses light) having upper and lower ends and extending along the wall from the base to substantially the top, and a light source (2, fig. 1) for illuminating said at least one light diffuser, which is located in the base compartment in close proximity to the lower end of the diffuser such that light from the light source can enter the diffuser at its lower end and travel upwards thereby illuminating the entire diffuser.

Regarding claim 1, Chen discloses a drinking vessel (1, glass wine) comprising: a body having a top, a base and a peripheral wall (2, fig. 1) upstanding from the base to the top and defining an interior for containing liquid, the base having a compartment (5, fig. 1) that is sealed from the interior, at least one light diffuser (2, fig. 1, transparent) having upper and lower ends and extending along the wall from the base to substantially the top, and a light source (9, fig. 1) for illuminating said at least one light diffuser, which is located in the base compartment in close proximity to the lower end of

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the diffuser such that light from the light source can enter the diffuser at its lower end and travel upwards thereby illuminating the entire diffuser (fig. 1).

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US 2005/0024851).

Regarding claim 1, a drinking vessel (10, liquid container) comprising: a body having a top, a base (12) and a peripheral wall (11, fig.1) upstanding from the base to the top and defining an interior for containing liquid, the base having a compartment that is sealed from the interior (fig. 1), at least one light diffuser (11, fig. 1) having upper and lower ends and extending along the wall from the base to substantially the top, and a light source (232, fig. 2) for illuminating said at least one light diffuser, which is located in the base compartment in close proximity to the lower end of the diffuser such that light from the light source can enter the diffuser at its lower end and travel upwards thereby illuminating the entire diffuser.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoy (US Pat. No 6,511,196).

Regarding claims 1-8, Hoy discloses a drinking vessel (Beer Mug) comprising: a body having a top, a base (64, fig. 2) and a peripheral wall (22, fig. 2) upstanding from the base to the top and defining an interior for containing liquid, the base having a compartment that is sealed from the interior (fig. 2) at least one light diffuser (transparent wall is a light diffuser) having upper and lower ends and extending along the wall from the base to substantially the top; and a light source (60, fig. 2) for illuminating said at least one light diffuser, which is located in the base compartment in

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close proximity to the lower end of the diffuser such that light from the light source can enter the diffuser at its lower end and travel upwards thereby illuminating the entire diffuser, the body includes two said peripheral walls (22, 42, fig. 2) with one surrounding the other, and the light diffuser is located in a gap between the outer and inner walls (both walls are transparent and thus considered the light diffusers), wherein the body comprises an inner body including the inner wall and a first base wall together defining the interior, and an outer body including the outer wall and a second base wall, the first and second base walls defining the base compartment therebetween, wherein the light diffuser is fixed on the inner wall (col. 10, lines 1-15), wherein the light diffuser is an integral part of the wall (col. 10, lines 1-10), wherein the light diffuser is substantially straight and upright, a plurality of said light diffusers positioned at intervals around the body, and respective said light sources located in the base compartment for illuminating the light diffusers, including a power source (71, fig. 2) located in the base compartment for energizing the light source.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (US Pat. 5,553,735) in view of Weller (US Pat. No 5,070,435).

Regarding claims 1-11 Kimura discloses a drinking vessel comprising: a body having a top, a base (24) and a peripheral wall (22) upstanding from the base to the top and defining an interior for containing liquid, the base having a compartment that is sealed from the interior (fig. 1), at least one light diffuser having upper and lower ends and extending along the wall from the base to substantially the top (transparent walls) and a light source (col. 3, line 47) for illuminating said at least one light diffuser, which is located in the base compartment in close proximity to the lower end of the diffuser such that light from the light source can enter the diffuser at its lower end and travel upwards thereby illuminating the entire diffuser, wherein the body includes two said peripheral walls (1, 2, fig. 2) with one surrounding the other, and the light diffuser (3, fig. 2) is located in a gap between the outer and inner walls, an inner body including the inner wall and a first base wall together defining the interior, and an outer body including the outer wall and a second base wall, the first and second base walls defining the base compartment therebetween (fig. 2), wherein the light diffuser is fixed on the inner wall (fig. 2), wherein the light diffuser is an integral part of the wall, wherein the light diffuser is substantially straight and upright (3, fig. 2), including a plurality of said light diffusers positioned at intervals around the body, and respective said light sources located in the base compartment for illuminating the light diffusers, including a power source located in the base compartment for energizing the light source (inherent), further including an electronic control circuit located in the base compartment for flashing the light source in a predetermined manner.

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Kimura discloses the claimed invention except for the light source being flashing in a predetermined manner. However, Weller teaches that it is well known in the art of illumination to incorporate a flashing unit to the electronic circuit to provide the light source to flash in a predetermined fashion. It would have been obvious to one of ordinary skill in the art to modify the electronic circuit to include a flashing unit in order to enhance the drinking vessel as taught by Weller.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ditto et al (US Pat. No 4,344,113), Russell (US Pat. No 5,339,548), Schroyer (US Pat. No 2,224,319), and Chien (US Pat. No 6,213,616) are cited of interest.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Ali Alavi** whose telephone number is **(571) 272-2365**. The examiner can normally be reached between 7:00 A.M. to 5:30 P.M. Tuesday to Friday. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached at (571) 272-2378 or you may fax your inquiry to the **Central Fax at (703) 872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Ali Alavi', with a stylized flourish at the end.

Ali Alavi
Patent Examiner
AU 2875